## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

JOHN W. FERRON, :

Plaintiff, : Civil Action No. 2:09-cv-430

v. : Judge Frost

METAREWARD, INC., et al., : Magistrate Judge Deavers

Defendants. : Consolidated with 2:09-cv-440;

2:09-cv-512; 2:09-cv-513 and

2:09-cv-520

JOHN W. FERRON,

Plaintiff, : Civil Action No. 2:09-cv-440

v. : Judge Frost

ADTERACTIVE, INC., et al., : Magistrate Judge Deavers

Defendants. :

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JOHN W. FERRON,

Plaintiff, : Civil Action No. 2:09-cv-512

v. : Judge Frost

AZOOGLE.COM, INC., et al., : Magistrate Judge Deavers

Defendants. :

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JOHN W. FERRON,

Plaintiff, : Civil Action No. 2:09-cv-513

v. : Judge Frost

SEARCH CACTUS, LLC., et al., : Magistrate Judge Deavers

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Defendants.

JOHN W. FERRON,

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Plaintiff, : Civil Action No. 2:09-cv-520

v. : Judge Frost

WORLD AVENUE HOLDINGS, LLC, et al., : Magistrate Judge Deavers

Defendants. :

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MOTION OF ALL DEFENDANTS
FOR CLARIFICATION OR,
IN THE ALTERNATIVE, TO EXTEND DEADLINES

Defendants in these consolidated cases hereby move this Honorable Court for Clarification or, in the alternative, to Extend Deadlines in these consolidated cases. This motion is filed specifically to seek clarification or an extension of deadlines in connection with the May 25, 2010 Order of this Court (the "Order") in the above-captioned cases.

In its Order, the Court indicated that all discovery in this litigation would be stayed pending completion of sanctions-related discovery as described therein. Defendants hereby respectfully request clarification from the Court as to whether the stay that has been ordered applies only with respect to *discovery-related* deadlines or as to the case schedule *as a whole* (with the exception of the sanctions-related process described in the Order). To the extent that the stay was not intended to apply to the case schedule as a whole, Defendants respectfully request, in the alternative, that the Court extend the existing case schedule to allow for the completion of other, non-sanctions-related deadlines after September 3, 2010, the date specified in the Order. For example, the deadline for amending pleadings and adding parties in these cases is today, May 27, 2010. This deadline was set by the parties with the discovery cut-off deadline in mind. Because the discovery cut-off deadline is being deferred, it makes sense to defer the deadline for amending pleadings and adding parties as well.

In light of the issues to be explored through the sanctions-related process set forth in the Order, Defendants submit that judicial economy would be best served by permitting the parties and the Court to complete that process before undertaking other procedural steps such as amending the Answers filed thus far. Accordingly, Defendants request that all case schedule deadlines be suspended until the disposition of a sanctions related hearing on September 3, 2010. Upon completion of the sanctions related activities in these consolidated cases, Defendants request that the Court set a scheduling conference in order to re-set the case deadlines.

On May 26, 2010 Counsel for Plaintiff advised Defendants that Plaintiff does not intend to oppose this motion.

Accordingly, the undersigned moves the Honorable Court for clarification of the stay set forth in the Order or, in the alternative, an extension of the case schedule deadlines.

/s/ John Winship Read (per email authorization) \_/s/ Jonathan S. Frankel\_

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Trial Attorney for Defendant Media Breakaway,

LLC

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically this 27th day of May, 2010. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Jonathan S. Frankel\_

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